

Habermas' method: Rational reconstruction

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Abstract

This dissertation clarifies, discusses and elaborates on the method of Jürgen Habermas' philosophical enterprise: rational reconstruction. The method is designed for a systematic reconstruction of the intuitive knowledge of competent subjects, as well as the collective knowledge of traditions. By explicating a normative content inherent in a set of different practices, a critical standard is established against which actual practices can be evaluated.

In the first article, *Habermas' method: Rational reconstruction* I describe the method's main features, and based on this outline I demonstrate how the method is employed in two of Habermas' research programs: formal pragmatics and the theory of social evolution. In the second article, *Habermas and the political sciences: on the relationship between theory and practice*, I demonstrate how Habermas unites theory and practice through a mode of analysis which is descriptive and normative at the same time. I then proceed to show how the method is employed in Habermas' theory of deliberative democracy.

In the third article, *Social philosophy: a reconstructive or deconstructive discipline*, I present the method of rational reconstruction as a key factor in Habermas' transformation of the original program Horkheimer established for critical theory in the early 1930s. Horkheimer claimed that social philosophy should be normative and descriptive and at the same time establish a dialectical relationship between philosophy and the empirically oriented sciences. My argument is that rational reconstruction represents a fruitful transformation of this program. It enables the critical theorist to work both normatively and descriptively at the same time while the reconstructed core concepts also makes possible a dialectical relationship between philosophy and the social sciences. The concept of communicative action is a critical normative concept *describing* constitutive ideals which at the same time can be used to *normatively assess* the quality of discourse. Furthermore, the concept is increasingly being employed by empirically oriented political scientists thus establishing a dialectical relationship between the philosopher and the social scientist. This interpretation suggests that the very fact that reconstructed concepts are being taken up and used as starting points in empirical theories is a kind of corroboration of the theory.

In the fourth paper, *Justification and application: the revival of the Rawls-Habermas debate*, I discuss the challenge from Rawls' second major work, *Political Liberalism*. I defend Habermas' against Rawls' claim that his theory is comprehensive and thus not able to give a good account of political legitimacy for modern societies characterized by the fact of

reasonable pluralism. I also demonstrate that Habermas' theory of political legitimacy has some crucial advantages as a critical theory which is not to be found in Rawls' conception.

An implicit theme in the different articles which is made explicit in the introduction is the relationship between philosophy and empirical science. I argue that the research on Habermas has not managed to grasp what I refer to as the philosophy/science interplay due to its lack of focus on the methodological aspects of rational reconstruction. Thus, the proposal I defend is that reading Habermas through the lens of rational reconstruction provides an often missed opportunity to understand the complex relationship between philosophy and science in Habermas' writings. This is important because of the promises it holds for the cooperation between philosophy and (social) science.

List of publications

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Article 1:

Habermas' Method: Rational reconstruction

Article 2:

Habermas and the political sciences: The relationship between theory and practice

Article 3:

Social Philosophy. A reconstructive or deconstructive discipline?

Article 4:

Justification and Application. The revival of the Rawls-Habermas Debate

INTRODUCTION¹

The philosophy of Jürgen Habermas has been widely debated the last 50 years. In fact, his work has been so much discussed that it is no longer possible to have a comprehensive overview of the secondary literature. Embarking on the project of writing this PhD dissertation, it was therefore surprising to find that the method he has followed in his different research projects has not been subject to more debate.² Habermas characterizes this method as *rational reconstruction*, and it is this method which is the object of this study.³ Throughout, I shall argue that Habermas' methodical innovation represents an interesting but problematic way of confronting a series of basic questions pertaining both to epistemology and ethics as well as to political philosophy.

The method of rational reconstruction is designed for a systematic reconstruction of “the intuitive knowledge of competent subjects”, as well as the “collective knowledge of traditions”.⁴ This method is based on the assumption that there is normative content implicit in a set of social practices, and that collaboration between philosophy and what Habermas refers to as the reconstructive sciences can explicate this content. The explicated normative content provides a critical standard against which actual practices can be evaluated. According to Habermas, the normative content – which can be discovered through empirical reconstructions of a set of different practices – constitutes preconditions for these practices. However, in contrast to traditional transcendental philosophy after Kant, rational reconstruction is described as an empirical science which yields fallible knowledge.

¹ The Faculty of Humanities at the University of Bergen has recommended that “the PhD thesis can be a monograph or consist of 3-4 articles with an introduction which outlines the overall argument and sums up the essence of the articles. The introduction should have the same length as a scientific article within the relevant field of research”. These are recommendations I have tried to follow, although I must admit that the introduction has become a rather long article. See <http://www.uib.no/hf/forskning/forskerutdanning-ved-det-humanistiske-fakultet/forskerutdanningslopet/avhandlingen>

² However, it should be noted that in the last couple of years a growing interest in Habermas' method can be found in works such as Iser 2008 and 2009, Gaus 2009 a and b, Hedrick 2010, Honneth 2009 and Celikates 2009. Prior to this “second generation” of writings on rational reconstruction a number of earlier contributions should also be noted. The most important being McCarthy 1978, Alford 1985 and Baynes 1989. For a more comprehensive overview of the secondary literature see article 1 and 2.

³ Habermas describes the method in different ways, sometimes as a reconstructive procedure and sometimes as a methodological attitude. In line with the established literature on rational reconstruction I shall be speaking of the method of rational reconstruction (see McCarthy 1978:276 and Iser 2009:364). A method is a systematic procedure to obtain knowledge, and in the case of rational reconstruction it is a procedure for making implicit competencies and knowledge explicit. The term rational reconstruction was not coined by Habermas, it has been employed by Hempel and a number of analytic philosophers within the tradition of logical positivism as well as by Lakatos. For the former, rational reconstruction is “concerned exclusively with the logical and systematic aspects of sound scientific theorizing and the knowledge claims it yields” (Hempel: 1988:293), whereas for the latter, the research process is the object of rational reconstruction (1970). I shall not discuss any of these theories here as they clearly differ from Habermas' understanding of rational reconstruction.

⁴ See Habermas 1979:9 for the first part of this definition, and Habermas 1987:399 for the latter.

After introducing the concept of rational reconstruction in 1973, Habermas keeps coming back to this theme in a number of writings stretching from 1973 to 2011. Thus, the primary motive behind the different articles in this dissertation has been to clarify and discuss what the method of rational reconstruction is, bringing these different texts together in a systematic way. However, I have also attempted to develop the method of rational reconstruction in various directions, focusing both on empirical designs of research projects which start out from Habermas' key concepts as well as discussing it against other (re)constructive projects (Rawls, Honneth).⁵

There are two main reasons for this focus on rational reconstruction. *First*, Habermas is, in my opinion, able to provide important insights regarding both how to do philosophy and how empirical social sciences can enter into cooperation with philosophy. But in order to fully realize the potential of Habermas' writings, it is necessary to further develop some of the themes Habermas himself has not treated in a satisfactory manner. In short, my main point is that Habermas obscures the status of rational reconstruction when stating that the hypotheses produced by rational reconstruction shall be tested indirectly by being used as "inputs in empirical theories". The importance of this point suggests a thorough elaboration which Habermas has not been willing to give. Because of this, I shall argue, a specific interpretation of some aspects of Habermas' writings on rational reconstruction is required.

This particular interpretation of rational reconstruction yields a distinct understanding of what I refer to as the philosophy/science interplay, which in my opinion is crucial both for philosophy and for empirical social science. The philosopher must draw on the findings of empirical social science when working out its basic concepts, and these concepts must prove their validity through successful application in empirical research projects. I argue that Habermas, at least to a certain extent, has lived up to this challenge. But, and this is my *second* point, this dimension of Habermas' thought is not captured in standard interpretations of Habermas, and the particular philosophy/science interplay is not sufficiently grasped in the literature on rational reconstruction.⁶ Thus, the proposal which I shall defend in this introduction is that reading Habermas through the lens of rational reconstruction provides an

⁵ A more detailed description of the methodological aspects of the dissertation can be found in section B below.

⁶ In particular, as I shall argue in section D, two of the most important contributions to the literature on rational reconstruction, produced by Matthias Iser and Daniel Gaus have not captured what I refer to as the philosophy/science interplay. The result is an understanding of rational reconstruction which is not capable of bringing out its full potential.

often missed opportunity to understand the relationship between philosophy and science in Habermas' writings.⁷

In order to demonstrate this I shall start with a discussion of three representatives of what Habermas refers to as reconstructive sciences: Chomsky, Piaget and Kohlberg (A). This entry into the writings of Habermas allows me to focus on a crucial aspect of his thinking: the detranscendentalization of reason, meaning roughly that the knowledge achieved through rational reconstruction is "not necessary, but hypothetical, not a priori but empirical, not certain, but fallible" (Bohman and Rehg 2009). Rational reconstruction can be understood as the means to this end. Based on this outline, I shall subsequently present what I see as the crucial characteristics of rational reconstruction, and the division of labour it prescribes between philosophy and the empirical sciences (B). I then proceed with a presentation of the different results of the four articles (C). In the next section (D), I shall address some of the other approaches which have recently focused on rational reconstruction, and in the final section (E) I will present my main conclusion.

(A) THE RECONSTRUCTIVE SCIENCES: CHOMSKY, PIAGET AND KOHLBERG⁸

On Habermas' account, the reconstructive sciences "take up the pretheoretical knowledge of competently judging, acting and speaking subjects, as well as the collective knowledge of traditions" (Habermas 1987:399). The relationship between philosophy and the reconstructive sciences is a difficult topic which I shall return to later,⁹ but Habermas suggests both a division of labour between these two approaches, and at the same time his conception of philosophy draws heavily on insights from theoreticians such as Chomsky, Piaget and Kohlberg. To understand this difficult interplay I shall start by introducing some key aspect of the work of these three. The reader should bear in mind that these theoreticians are examined here primarily to achieve a better understanding of Habermas' theories. Therefore, this presentation will neither be complete nor exhaustive. It is rather an inquiry in the service of a

⁷ This means that the introduction develops further some implicit themes which are introduced in the articles but which are not fully realized there.

⁸ It should be noted at the outset that the term "reconstructive sciences" as a description for Chomsky, Piaget and Kohlberg is Habermas' term. A more traditional label which would probably be more in line with the self-understanding of these three would be to say that they are cognitive scientists.

⁹ Habermas describes it as a "delicate relationship" (Habermas 1990 b: 34).

specific goal, and that goal is to achieve a better understanding of rational reconstruction as the methodical approach underpinning Habermas' research-programs.¹⁰

Habermas utilizes a central theme from each of the three thinkers he draws upon. Chomsky's universal grammar aims to reconstruct linguistic competence, whereas Habermas transforms this idea in an attempt to reconstruct communicative competence. Piaget introduces a theory of a universal developmental logic regarding children's cognitive development, elements of which Habermas claims can be transferred to collective learning processes. While Habermas employs the formal aspects of Piaget's theory of cognitive development, the substantial content is primarily influenced by Kohlberg's thoughts on the demarcated stages of moral consciousness.

The reconstructive sciences provide Habermas with a model for his own research: they are all concerned with making an implicit universal competence explicit. They also focus on presuppositions, but the analysis of presuppositions is, as opposed to Kant, empirical, not transcendental. Chomsky is concerned with the presuppositions for grammatical competence, while Piaget focuses on presuppositions for formal-operational development. Kohlberg analyses the presuppositions for moral development. And, finally, they all understand their investigations as developing research programs which advance strong theoretical claims which must be corroborated through empirical research.

Chomsky¹¹

Noam Chomsky's (1928-) *Syntactic Structures* from 1957 has transformed linguistics¹² in several areas. His nativist hypothesis which forms the basis of *generative grammar*, is regarded today as an important alternative to the psychodynamic, the behaviorist and the social constructivist theories of language. Chomsky claims that children are programmed to learn language from birth, that linguistic development is as natural as physical development. The disposition to develop language is universal, directly correlated to structures in the brain. These structures contain rules and principles for how our language will be constructed. The underlying assumption is that the brain is a collection of modules, in which the various

¹⁰ Because the focus in this section is to achieve a better understanding of Habermas' method, I shall not discuss critically the way Habermas reads Chomsky, Piaget and Kohlberg.

¹¹ My exposition of Chomsky relies primarily on Chomsky 1965 and 2002, but also on Habermas 1979 and Faarlund 2005. Chomsky's research program has developed substantially since the early phase that I am considering. An excellent account of this development can be found in Chomsky 1986.

¹² Chomsky maintains that generative grammar is a cognitive science, and therefore his research falls under the rubric of psychology (Chomsky 1986:5).

modules are specialized to handle different forms of information. One of these modules is a language module.

Chomsky employs first a decisive distinction between *competence* and *performance*. Competence concerns a language user's unconscious knowledge of their own language, while performance encompasses the manifestation of this knowledge, which would be use of language in concrete situations (Chomsky 1965:3-4). Chomsky also notes that competence involves implicit knowledge, and that it is not directly linked to the ability to make use of such knowledge. The reason for this is that language use (performance) cannot be an object for reconstruction in the same way as an idealized competence. Chomsky further limits the concept of competence solely to grammatical competence, it being generative grammar's object of study.

Chomsky is preoccupied with how children can learn language as quickly as they do, and in relation to this, presents his universal grammar. He localizes universal grammar in the aforementioned structures of the brain and asserts that they form the starting point for a language user's eventual fully developed linguistic competence. Chomsky conceives of universal grammar as the initial state children are born into, being prior to the learning of a first language.

This means that it is the capability for language which is the object of study. Generative grammar can therefore be defined as "a system of rules that in some explicit and well-defined way assigns structural descriptions to sentences" (Chomsky 1965:8). The task of this science is ultimately to make explicit our unconscious knowledge of our own language.¹³

One of Chomsky's central hypotheses is that language learning in children proceeds through various states, and that these states are the same for all languages. There exists no marked variance between different language groups, even though there are pronounced individual differences within any given group.

The fundamental question that Chomsky claims competing theories of language cannot adequately provide an answer to is this: how can children learn a first language so well and so quickly when there is a disconnect between the input they receive and the competence they acquire? Language mastery is successful in all normal cases, while other cognitive activities, such as mathematics, exhibit very large variation in the eventual competence a child acquires. As mentioned, Chomsky regards humans as language using creatures born with a grammatical brain structure. The language specific grammars manifest their function when a

¹³ As Chomsky notes, the term "“generative” means nothing more than “explicit”" (Chomsky 1986:5).

child begins to be exposed to linguistic input in their first years of life. Put another way, there exists both a universal and a particular grammar:

The grammar of a particular language, then, is to be supplemented by a universal grammar that accommodates the creative aspect of language use and express the deep-seated regularities which, being universal, are omitted from the grammar itself
(Chomsky 1965:6)

The passage above is significant. Chomsky holds that the various directions in modern linguistics have set too much focus on particular grammar. Understanding how children learn language quickly and relatively independently of the provided input requires the postulation of a universal grammar. This, Chomsky says, makes it possible to explain how an open-ended (infinite) system can be learned, yet another example Chomsky employs to criticize traditional linguistics. The answer is that language is infinite, while grammar is finite. With the aid of a limited rule set, one can thereby generate an infinite number of sentences. It follows that there exists an enormous creative potential in the combinations of rules and words our language contains.

On one level, generative grammar has the existence of a universal grammar as a fundamental premise. In this sense it could be understood as a postulate. But Chomsky always insisted that there was more to it than that. The theory is based on observations and logical conclusions. Observations concern two factors: Children's ability to learn language quickly and early in their development, as well as the fact that language exists in all the cultures and societies we know of. The logical conclusions involves the complexity of grammar and the fact that children master their language as early as they do, as well as the fact that children have the ability to produce an infinite number of utterances from a finite grammar (Farlund 2005:138).

Still, the theory claims to produce hypotheses which must be subjected to empirical testing. Part of the theory's attractiveness must then be understood on the basis of its ability to come up with new hypotheses which are in need of further corroboration. Farlund claims that there are primarily two ways the hypothesis of a universal grammar can be tested. First, by studying the grammar of a concrete language, and second, by bringing in data from new languages (Faarlund 2005:139-140). The numerous empirical studies carried out to test the different hypotheses produced by Chomsky suggest that some of his hypotheses were too

strong. Still, generative grammar is clearly among the most important paradigms within linguistic theory today.¹⁴

Piaget¹⁵

The Swiss biologist, psychologist and theoretician of science Jean Piaget (1896-1980) originated the concept of genetic epistemology, a theory of the origin and development of knowledge. Genetic epistemology represents one of the most important contributions within cognitive developmental psychology. Piaget drew upon his extensive knowledge in the natural sciences, such as biology and zoology, which together with a longstanding interest in epistemological questions shaped his writing. The theory is considered cognitive because it primarily focuses on the ability to interpret and evaluate situations, to thereby rationally come to a decision as to the best course of action. Piaget maintained that there exists universal ways in which to think and reason in problem solving, and that this reasoning process develops through qualitative stages. He arrived at this conclusion through a series of empirical studies of children's intellectual development.

Piaget claimed that cognitive development occurs through four qualitatively different stages. These stages are identified as the *sensorimotor* stage, from 0 to 2 years of age; the *preoperational* stage, from roughly 2 to 7-8 years of age; the *concrete operational* stage, from 7-8 to 11-12 years of age; and the *formal operational* stage, from 11-12 years of age and through an adult life. Thus, Piaget conceives of the learning process as decentration, where the child's perspective becomes less egocentric and more decentrated as the child matures: "Cognitive egocentrism... stems from a lack of differentiation between one's own point of view and the other possible ones" (Piaget quoted in Peterman 1997:6).

Piaget's stage theory supports a theory of *developmental logic*. The thesis builds upon four assumptions. First, a child's cognitive development must be said to contain clearly

¹⁴ In article 1 (p 468), I outline the characteristic features of Habermas' formal pragmatics. Here, Habermas takes Chomsky's idea of a reconstruction of linguistic competence as a model for his own reconstruction of communicative competence. Habermas' formal pragmatics (initially called universal pragmatics) aims to reconstruct, or to make explicit a universal communicative competence. This research program is clearly modelled on Chomsky's thinking. "The assumption is that communicative competence has just as universal a core as linguistic competence" (Habermas 1979:26). However, Habermas sees the innateness thesis as too strong for a pragmatic theory of speech acts. Communicative competence is not innate, but acquired through socialization. Thus, it makes more sense for Habermas to regard this competence as a "result of a learning process that may – like cognitive development in the sense of Piaget's cognitivist approach – follow a rationally reconstructible pattern (Habermas 1979:20).

¹⁵ My explanation of Piaget is primarily based on Piaget 1970 and 1972, but also Rørvik 1980 and Brainerd 1978.

defined phases of intellectual development. In other words, the process must be able to be described as a discontinuous process rather than a continuous one. A child's development exhibits qualitatively different stages, not just a quantitative cognitive growth. Secondly, each individual must progress through the same stages in the same way. The formal operational stage is therefore not achievable without having first passed through the previous stages. Thirdly, the stages are hierarchically arranged. The level of the formal operational stage represents a higher stage of development due to the fact that it includes elements from the other three stages. Finally, each stage must constitute an integrated whole, a holistic element in Piaget's thinking which I shall return to below.

The most important singular concept in Piaget's theoretical framework is cognitive structure (see Piaget 1970). The concept refers to the form or pattern cognition exhibits within each of Piaget's stages of mental development. His cognitive structures are abstract objects in the sense that they cannot be directly observed. It is not possible to measure a cognitive structure, despite Piaget's perception of them as real. On the contrary, Piaget asserts that we can deduce cognitive structures' real existence on the basis of what the cognitive *content* in the various stages have in common. Piaget's argument is roughly the following: no one has ever observed, or directly measured the existence of an electron or a gene. Nonetheless, we know that they have a real existence, thus it is also possible to postulate cognitive structures (Brainerd 1978:18-19). These deep lying structures are localized in the manner in which infants, children and adults reason through and solve practical problems.

Cognitive structures are, according to Piaget, neither innate nor static.¹⁶ They evolve and change in the course of the developmental process. This process, which Piaget terms an equilibration process, is made up of four characteristics which are highly relevant to our discussion. In general, an individual finds oneself within one of the aforementioned stages, coinciding with the controlling cognitive structure for that level. These cognitive structures are only able to negotiate a limited set of challenges. The organism, which is Piaget's biological form of expression, is then faced with a type of information the given cognitive structure is unable to successfully manage. Thus, the cognitive structure is unbalanced, requiring an adaptation which could negotiate the new, unmanageable information. The new structures which are formed in this process therefore appear more stable than those at the previous level. It follows that increasingly fewer situations are encountered which are capable

¹⁶ Piaget specifically challenges Chomsky's "innateness thesis" (see Piaget 1970:87) in a passage with the noteworthy title "Are linguistic structures social formations, innate or the result of equilibration?"

of stimulating an imbalance since the new cognitive structures contain a broader register regarding the negotiation of novel challenges.¹⁷

Piaget also develops a theory of moral development. Here, Piaget is primarily concerned to show that there are two clearly defined ways of thinking in moral questions: First, one can act from nonsymmetrical respect, in which one submits to the limits of authoritative prescriptions, be it regulative or personal (restrictive morality). Secondly, one can act from a position of mutual respect in which, through cooperation and agreement, one arrives at moral action (reciprocal morality) (Rørvik 1980:27). The fundamental hypothesis Piaget develops and claims to have confirmed through his empirical studies, is that there is a development in children leading from restrictive morality towards reciprocal morality.

Piaget started out by observing how children were thinking and acting in play. This is where his theory took shape and his hypothesis started to emerge. In order to test them, Piaget told short stories to children, and afterwards interviewed them. One example of this procedure is sufficient here. It concerns children's evaluation of consequence and intention (objective and subjective responsibility) in the context of harmful action. Piaget claims that children's justifications for such actions are of central import. To what degree a child evaluates the consequences of a harmful action, or whether he is primarily focused on the intention behind the action, can provide pointed information about restrictive or reciprocal morality.

One story was about a person who did harm without understanding that it could have occurred (clumsy behavior). Another told of harm which came about due to a conscious act. Piaget's interviews, which were directly tied to the stories, showed that appreciation of consequences sank with age, as the appreciation of intentions increased. After 10 years of age, there was seldom an answer that clearly showed solely an evaluation of consequence, in accordance with Piaget's expectations (Rørvik 1980:23).

Brainerd notes three important characteristics of this method. First, it finds itself positioned between psychology's two standard methods: it is neither a pure experimental method (based on manipulation) nor a pure survey study (in which one only measures without manipulation). The degree of manipulation appears to increase with the age of the child. Secondly, there are uncommonly few subjects (children) in the studies, a point problematized

¹⁷ In article 1, I demonstrate how Habermas' analyses rationalization as a dialectical process of learning which adopts much of Piaget's view as to how the transition between different stages occurs.

by Piaget's critics. Thirdly, the procedure varies to a great degree from one subject to the next. In other words, a standard procedure is not adhered to (Brainerd 1978:39-41).¹⁸

Kohlberg¹⁹

Habermas has primarily drawn upon Lawrence Kohlberg's (1927-87) work as it pertains to moral development. Kohlberg, who studied under Piaget, further refined much of Piaget's thinking in moral developmental psychology. On the basis of empirical investigations which follow more or less the same formula as Piaget's work, Kohlberg presents three primary levels for moral development. Each of these levels has two secondary levels such that, together, there is a stage theory containing six different stages. These developmental stages are universal, and should be traceable across cultural contexts. They are also, as in Piaget's research, hierarchically ordered and irreversible in the direction of progress. Also for Kohlberg, moral development is characterized by the transition from the concrete to the abstract, from the particular to the universal and from the egocentric to that which is marked by mutuality and respect.

During the *pre-conventional*, or pre-moral level, a child's action is not distinguished by norms or rules. According to the theory, a child shows no concern for others, nor shows any sign of acting from a feeling of duty. When a child evaluates their actions, it is done from an orientation towards punishment and obedience. Right action means, in short, obedience to authority in order to minimize punishment and maximize reward.

The somewhat more developed, or mature, form for action within the pre-conventional level is termed a naïve instrumental hedonism. The correct moral act is here defined as that form of action which immediately satisfies one's own interests, or in following rules which accomplish the same satisfaction of self-interest. At this level, elements of mutuality and

¹⁸ In article 1 (p. 474), I outline Habermas' theory of social evolution. The theory of stages, the theory of cognitive structure, and the concept of decentration is of particular importance to Habermas. It is not the *content* of the stage theory which is of importance to Habermas, but its *formal* characteristics. Thus where Piaget's theory supports a developmental logic for individual development (ontogenesis), Habermas argues for a similar developmental logic in social evolution (phylogenesis). Furthermore, Habermas models his theory of social development on Piaget's equilibration process describing a dialectic process between the cognitive-technological and the moral-practical sphere. Still, Habermas criticises the way Piaget uses the concept of equilibration. Following Piaget too closely on this point would imply the danger of committing the naturalistic fallacy. "Every attempt to view the superiority of higher-level achievements, which are measured in terms of the validity of problem-solving attempts, in *strictly functional* terms places the specific achievement of cognitivist developmental theory in jeopardy. If what is true or morally right could be analyzed in terms of what is necessary for the maintenance of system boundaries, we would not need rational reconstruction" (Habermas 1990 b:34-35). Habermas thinks that Kohlberg's theory is corrected for these flaws.

¹⁹ My discussion of Kohlberg is based primarily on Kohlberg 1981, but also on Habermas 1979 and Rørvik 1980.

respect can be distinguished, but this is interpreted only as an expression of the child giving something in order to receive in return. Or as Habermas phrases it: reciprocity is an element of “you scratch my back and I’ll scratch yours, not of loyalty, gratitude or justice” (Habermas 1979:79).

At the *conventional* level there is an understanding that honoring the family’s, group’s or nation’s expectations is valuable in itself, not just something done out of self-interest. Right action is thus defined by conformity to social roles and norms. Kohlberg operates with five characteristics at the conventional level. The first is marked by moral stereotypy, that a child refers to particular people in their explanations of right and wrong. The second characteristic is intentionality, or that an act is evaluated from the intentions of the actor (cf. Piaget above). The third is characterized by a positive, active and empathetic description of that which is morally good. The fourth is characterized by sensitivity, or that a person is receptive to recognition and criticism. The fifth characteristic is identification with a dominant person or the goals they may have (Rørvik 1980:99-100 and Kohlberg 1963:26).

The mature form of the conventional orientation replaces the “good girl”, one who primarily does that which adults wish from within a law and order orientation. The child orients themselves over time towards the desire to maintain the social order, achievable by following socially given norms and rules.

At the *post-conventional* level the orientation changes from forms of external authority such as parents or the social order, to an internal autonomous orientation where the individual follows its own conscience. The individual orients itself in accordance with contracts and agreements where laws and rules receive a fixed meaning. So far, this is very similar to the conventional stage. There is, however, an important difference. Individuals who find themselves at this stage take a critical stance towards the actual social norms. They think reflexively, i.e., that they evaluate what their plan of action should be in relation to the concrete choices available. Principle is paramount, regardless of what others may think. This stage differentiates itself further from stages 3 and 4 by being oriented towards democratic group decisions rather than being oriented towards concrete persons. Individuals are also more engaged, and show a greater degree of duty since they accept and respect the laws and rules they are confronted with. The post-conventional level is also divided into two stages. The fifth stage thus represents a contractual or legal orientation, while the sixth stage is defined by a universal ethical principle orientation (Rørvik 1980:101).

At the pinnacle, the sixth stage distinguishes between legal rights and duties and moral rights and duties, in which the latter are said to rank higher. In this case, actions are not

sufficiently justified merely through legal justification. Individuals orient themselves according to their own conscience, and from abstract (formal) moral principles such as the categorical imperative or the golden rule (Rørvik 1980:101 and Kohlberg 1963:28). Other's reactions to a given act are given much less credence. The decisive factor is one's own conscience which is guided by some form of universalization principle. Moral norms are tested at this level according to how well they can meet the demands of universal validity. Right action is therefore that action we can postulate all humanity is capable of accepting. Individuals at this level are concerned with human equality, and universal human rights are prominent.²⁰

Kohlberg's famous Heinz dilemma is a good illustration of the way he works. Conducting research on the justification respondents would give to different moral dilemmas, Kohlberg presented the following story and questions:

In Europe, a woman was near death from a very bad disease, a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium for which the druggist was charging ten times what the drug cost him to make. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about half of what it cost. He told the druggist that his wife was dying, and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money from it." So Heinz got desperate and broke in to the man's store to steal the drug for his wife. Should the husband have done that? Why? (Kohlberg 1981:12 quoted in Habermas 1990:39-40)

From the theorist's perspective, the crucial point is not what the respondents think that Heinz should do, but how they justify their recommendations. The answers given enabled Kohlberg to identify justifications belonging to each of the six stages mentioned above. But the questions posed would also enable the respondents to reflexively engage their own pre-theoretically grounded moral judgement.²¹

²⁰ In article 1 (p 478), I demonstrate how Habermas adopts the different stages introduced by Kohlberg in phylogenesis. And, as we shall see in the next section, Kohlberg is also relevant in a discussion of the status of rational reconstruction.

²¹ I can not go into in detail the massive critique that has been levelled against both Piaget and Kohlberg here. But I would like to mention the different *types* of critique which are normally directed against their research: 1) it is a fundamental problem that children are identified as egoists from birth, thereafter to be socialized into moral relations, thus becoming moral creatures. Critics point out that psychological studies show that children very early on can show trust, comfort and be generous with others; 2) Piaget and Kohlberg focus primarily on cognitive ability in children's development. Emotions are therefore not given sufficient attention; 3) Carol

The model provided by the reconstructive sciences can perhaps best be summed up using the term research program. Chomsky provides a paradigmatic example: He considers his own work and the many empirical projects carried out within the same tradition as open ended, ongoing research programs always receptive to revision and the rethinking of their basic concepts. Thus, instead of regarding the difference in opinion, as well as the many revisions that have been undertaken within generative grammar as a serious problem, they are considered as evidence that the discipline is alive. Its strength consists of its ability to “provide answers to a range of empirical questions and opens up a variety of new ones to inquiry while suggesting a rethinking of others” (Chomsky 1986:5). This conception of an open ended research program, which shall generate hypotheses which are to be tested empirically, is familiar in science, but perhaps not as familiar as a philosophical approach. In the next section I will discuss how Habermas transforms this ideal into a philosophical research program.

For Habermas, it is also of vital importance that Piaget and Kohlberg are committed neither to the relativistic nor the foundational understanding of competence. With the help of a stage theory, being hierarchically structured such that one at a higher level can be said to have achieved a *better* insight than that of the previous level, one can avoid the trap of relativism, while at the same time not being bound to any given form of foundationalism. This is a crucial aspect of Habermas’ thinking. In fact, if my interpretation is correct, he considers Piaget’s contribution to be able to transform, in a postmetaphysical fashion, some of the crucial aspects of both transcendental philosophy from Kant, and dialectical philosophy from Hegel:

The genetic structuralism of Jean Piaget provides an instructive model... instructive for all philosophers I think, but particularly to those who want to remain philosophers. Piaget conceives “reflective abstraction” as that learning mechanism which explains the transition between cognitive stages in ontogenetic development. The end point of this development is a decentered understanding of the world. Reflective abstraction is similar to transcendental reflection in that it brings out the *formal* elements hidden in the cognitive *content*, identifies them as the schemata that underlie the knowing subject’s

Gilligan has criticised Kohlberg for underplaying the care perspective in moral development, using that to argue that male and female reasoning differ substantially; 4) Piaget and Kohlberg’s theories have both been criticized for ethnocentrism. There are obvious similarities between the higher levels in their stage theories and the type of thinking that characterizes modern western societies; 5) Their research has been criticised for being theoretically strong but empirically weak. For these lines of criticism see Santrock 1997 as well as Henriksen and Vetlesen 2000.

action, differentiates them, and reconstructs them at the following higher stage of reflection. Seen from a different perspective, the same learning mechanism has a function similar to Hegel's power of negation, which dialectically supersedes self-contradictory forms of consciousness (Habermas 1990 a:8)²²

Thus, the empirically grounded claims which result from the research of Chomsky, Piaget and Kohlberg provide a model on which Habermas can achieve justifications which resemble those of the great German master thinkers. The foundationalism in Kant and the absolutism of Hegel is avoided through empirical reconstructions of competencies and learning processes. The model Chomsky provides allows Habermas an empirical reconstruction of the presuppositions for communication oriented towards agreement (Einverständnis). The claim Habermas gains from this analysis is that there is a normative pull operating in language. Thus it gives him a foundation, even though it is not a foundation rooted in transcendental deduction of the Kantian style. Instead, Habermas' reconstructions are transcendental in a weak sense (Habermas 1979:22).²³

The analysis would however not be complete if it was not given a historical twist. Based on the idea that there is a complementary relationship between communicative action and the lifeworld, where the lifeworld structure and limits the semantic horizon of communicative action (Owen 1998:2), it is necessary for Habermas to demonstrate how the intersubjective structures which constitute different lifeworlds develop. This developmental perspective, which Habermas to a large extent models on Piaget and Kohlberg, provides a model for Habermas' Hegelian motives, allowing him to demonstrate how action-coordination through language will always be historically situated.

At this point we are in a better position to understand what I have referred to as the philosophy/science interplay in Habermas' writings. But before I can spell out the details, I will present the key characteristics of the object of this study, the method of rational reconstruction.

(B) HABERMAS' METHOD: RATIONAL RECONSTRUCTION²⁴

²² I have altered the translation on two points. First, the emphasis on the formal and content is in the original German text, but not in the translation. Second, and more importantly, the English translation has "differentiates them, and reconstructs them at the next highest stage of reflection", whereas the German original has "differenziert und auf der nächst höheren Reflexionsstufe rekonstruiert".

²³ This argument is spelled out in article 1.

²⁴ Because paper nr 1 and 2 both present the basic principles of rational reconstruction in an almost identical way, the presentation and discussion carried out in this introduction is an attempt to present the core of

Habermas uses the term reconstruction in at least two different, but related ways. First, it is employed as a *reading strategy*, as a way to read classics and other important figures who have produced important texts relevant for his own research programs. Habermas' reading of Chomsky, Piaget and Kohlberg are examples in point here. In this respect, Habermas reconstructs by taking different theoretical positions apart and then bringing them back together after correcting their insights from fundamental flaws.²⁵ Habermas refers to this approach as a "history of theory with a systemic intent" (Habermas 1984:140). To Habermas this strategy is as important for scientific research as other approaches. It demonstrates the importance of the methodological approaches developed in the humanities, and the different readings are in need of validation in order to establish their authority.

Now, Habermas characterizes this reading strategy as the "normal way of dealing with a theory that needs revision" (Habermas 1979:95). In my opinion this is a bit too modest. That is because there is also a particular twist to the readings that Habermas presents which consists in the search for implicit themes or thoughts which are later abandoned. Recently Deranty has given an interesting description of Honneth's reading strategy which is also valid for the way Habermas reads the classics. Deranty argues that Honneth's exegetical reconstructions are based on pinpointing a "fork in the conceptual road". It consists in finding in a certain text "highly evocative, programmatic indications not fully realised or later abandoned" (Deranty 2009:3).²⁶

An example of Habermas' reading which utilizes the same reading strategy is found in the way Habermas reads Weber in the *Theory of Communicative Action*. Here Habermas draws a distinction between an official and an unofficial version of Weber's theory of action, claiming that the unofficial version could have been developed into a theory of action which could distinguish between communicative and instrumental/strategic action (Habermas 1984:279-286). This unofficial version of Weber's theory of action is, according to Habermas, implicit in Weber's writings, but because it remains implicit, it is in need of further clarification.²⁷

Habermas' method in a somewhat different vocabulary and to a certain degree focusing on different texts. Habermas has increasingly dropped the prefix rational, and has in his later writings been referring to reconstruction (See Habermas 2011:291).

²⁵ In Habermas own formulation: "In the present connection *reconstruction* signifies taking a theory apart and putting it back together again in a new form in order to attain more fully the goal it has set for itself" (Habermas 1979:95).

²⁶ See also my review of Deranty's book in Pedersen 2010.

²⁷ Another important example can be found in Habermas' reconstruction of Hegel, where Habermas claims that Hegel in the Jena period introduced the possibility to carry through an intersubjectivistic turn, overcoming the

I have followed a similar reading strategy. I claim that it is necessary with a reconstruction of Habermas in order to achieve the goals he set for himself. At different moments, Habermas was explicitly concerned with the method of rational reconstruction, and in explaining its status. However, as his work developed, he did not fully realize the theory's potential, and at some points seems to work on different premises.²⁸ Thus, in order to fully realize the theories potential, it has been necessary to first systematically reconstruct the method of rational reconstruction due to the fact that it, in Habermas' texts, has been developed somewhat unsystematically. And second, the status of the theory was in need of an explication due to the fact that Habermas himself treated this topic, but later did not follow up, and sometimes presented his theories as if he had "gambled away" his original insights.

In addition to reconstruction as a reading strategy, Habermas is also using the term reconstructive to "describe theories that seek to explain the implicitly assumed normative contents of empirically established practices" (Habermas 2011:291).²⁹ The term rational reconstruction is first employed by Habermas in 1973. Prior to that, in early works such as *The Structural transformation of the Public Sphere*, originally published in 1962, Habermas located the idea of rational discussion in the bourgeois public sphere. The idea of the public as an arena where the force of the better argument could reign was analysed as ideology, but also as something more than this. However, the conclusion drawn was that the ideals embedded in the public sphere could not be realised. On Habermas own account it became necessary to locate the ideals of the free and uncoerced conversation deeper.³⁰ Thus, in *Knowledge and Human Interests*, originally published in 1968, Habermas attempts to ground this ideal

transcendental mentalism of Kant, but later "gambled away what from hindsight at least appear to be his original gains" (Habermas 2003:176).

²⁸ An example might be Bernhard Peters' criticism of Habermas' *Between Facts and Norms*, where Peters claims that it is not always clear whether Habermas' theory is rational reconstruction or normative theory in a more traditional sense (Peters 1994:118-119). This argument is presented in article 2 page 394. Recently, Habermas has clarified the status of reconstructive theory of the constitutional state in a way that looks like an answer to Peters: "The system of basic rights at which one arrives at the highest level of abstraction is virtually indistinguishable in form from normative political theory" (Habermas 2011:291 note 16).

²⁹ In his later writings Habermas has tended to drop the prefix rational and speak of reconstructive theories. The term rational signals that focus is on the rational aspects inherent in a given practice. For example, Habermas understands the raising and the defending of claims as a rational enterprise, and it is this rational aspect of language use he is interested in as a reconstructive theorist. But that does not mean that he does not recognize that the non-rational aspects of language use such as rhetorical manipulation will be present as well (See Ingram 2010:76).

³⁰ Habermas writes: "I have therefore proposed to locate the normative foundation for a critical theory of society deeper. The theory of communicative action shall reveal the potential for reason located in everyday communicative practice. With this move it opens up for a reconstructive social science identifying the broad spectre of societal processes of rationalization, and even trace them back beyond the threshold of modern society. Then it is no longer necessary to limit the search for a normative potentials to the structure of a public limited to a specific epoch" (Habermas 1999:96, my translation; German original text: Vorwort zur Neuauflage In *Strukturwandel der Öffentlichkeit*, 1990).

anthropologically. But this project turned out to be unable to account for the intersubjective dimension inherent in speech. Thus, Habermas had by 1973, upon writing the postscript to the new edition of *Knowledge and Human interests* (Habermas 1973), come to the conclusion that it was necessary to start with a rational reconstruction of inherent normativity inherent in a set of different practices.³¹

The method of rational reconstruction is foundational for four of Habermas' research programs,³² the research programs which constitute the core of Habermas' writings: in formal pragmatics he reconstructs conditions of possibilities for communication aimed at consensus, in the theory of social evolution he reconstructs the patterns of development structures of consciousness may follow, given that they develop, in discourse ethics he identifies the conditions of possibilities for regulating human action through norms, and in his theory of deliberative democracy he identifies conditions of possibilities for coordinating modern, pluralistic societies through positive law.³³

In his reconstructive enterprise, Habermas is concerned with various kinds of competencies as well as the collective knowledge of traditions. In the first instance, rational reconstruction aims at uncovering intuitive competences carried by speaking, and acting subjects. Habermas describes these competencies as a pre-theoretical know how, making it the job of philosophy and the reconstructive sciences to reconstruct, and thus make explicit the underlying rules which are presuppositions for such competencies:

Starting primarily from the intuitive knowledge of competent subjects – competent in terms of judgment, action and language – and secondarily from systematic knowledge handed down by culture, the reconstructive sciences explain the presumably universal basis of rational experience and judgment, as well as of action and linguistic communication. (Habermas 1990 a:15-16)

³¹ I can not give a full account of the development of Habermas' work here. Excellent introductions to the transition in Habermas' work from the structural transformation of the public sphere, and up until his introduction of rational reconstruction can be found in Habermas (1999), in Bohman and Rehg (2009) and in Iser (2008 and 2009).

³² As argued above, Habermas conceives of his different interests as research programs in the same sense as Chomsky: They are open-ended and tentative, and their basic concepts must be revised through the incorporation of valid criticism and on the basis of new empirical evidence. Thus Habermas distances himself from the foundationalism of Kant and the absolutism of Hegel by understanding his own research as modelled on the empirical sciences.

³³ The articles in this dissertation introduce how rational reconstruction is foundational for formal pragmatics, the theory of social evolution and the theory of deliberative democracy. A discussion of discourse ethics can be found in Pedersen 2011 a.

Thus, rational reconstruction proceeds on the assumption of a normative content located in the deep-structure of different kinds of practices. This normative content is to be found in different competencies. These competencies can be located at a general level involving cognitive and linguistic practices, or at a more institutionalized level focusing for example on presuppositions for coordinating human interactions through the medium of law. At the general level Habermas is, for instance, reconstructing competencies subjects must have as language users, whereas on the institutionalized level Habermas is reconstructing competencies subjects must have as participants in democratic practices. In the first instance the reconstruction operates through conceptual analysis, whereas in the latter, the reconstruction comes closer to empirical research (Habermas 2005:385).

Now, what kind of method would be suitable for bringing out such competencies? In answering this question, Habermas attempts to demonstrate the difference between rational reconstruction and traditional hermeneutic interpretation. The relevant research must proceed on the assumption that its object is symbolically structured, thus requiring a performative attitude from the perspective of the participant. This assumption is shared with, and derived from insight developed in hermeneutics. But rational reconstruction does not search for meaning in a particular text or an utterance, neither does it analyse particular institutions or instances. Instead it focuses on underlying rules which the relevant subjects are not reflexively aware of but still have an intuitive ability to master. These rules yield a normative standard making it possible to criticize judgements, actions or utterances (Habermas 2009:24-25).

The underlying assumption here is that there is a difference between a subject's ability to master a certain competence and the explicit knowledge of the rules making the same competence possible.³⁴ Take the competence of forming a grammatically correct sentence as an example: if a person makes the utterance "Saw you the black cat?", we would typically reply stating that a correct thing to say would be "Did you see the black cat?". Thus, we have

³⁴ Anne Granberg has made me aware of the Heideggerian element in Habermas' thinking on this issue. She writes: "In his phenomenological analyses, Heidegger seeks to highlight the necessary preconditions for the understanding inherent in goal-directed action like tool use, and to make explicit the tacit insights we "always already" have in our competence in handling implements. In a not dissimilar manner, universal pragmatics operates by making explicit – through a reconstruction – something we "always already" "know"(in the sense of being competent at) as communicative agents, and Habermas' universal pragmatics can thus be seen as an analysis of the "how" of communication" (Granberg 2004:3). For a discussion of Heideggers influence on the young Habermas see Matustik 2001:12-17. Habermas, who described himself as a "thoroughgoing Heideggerian for three or four years", lost his faith in his old philosophical hero on the 25th of July 1953 upon reading Heideggers new uncommented republication of his Introduction to metaphysics: "I was, as a student, at that time so impressed with *Being and Time* that reading these lectures, fascist down to their stylistic details, actually shocked me" (Habermas quoted in Matustik 2001:13).

an example of criticism based on the correct understanding of grammar. According to Habermas a number of different practices have a set of underlying rules which the philosopher must bring out and can use as point of departure for critique.

Another example would be the way Habermas conceives of rules and structures governing the practice of democracy. According to Habermas democracy presupposes a system of rights which can be reconstructed and employed as a standard and point of departure for criticism. Such criticism would for example be directed at governments not able to institutionalize rights which fulfil the explicated standards.³⁵

So far, our focus has been directed towards individual competencies. The method of rational reconstruction, which focuses on the explication of intuitive knowledge is, however, not limited to the reconstruction of individual competencies, but can also reconstruct “the collective knowledge of traditions (Habermas 1987:399). In those cases, the object of study for the reconstructive researcher is collective learning processes where the ambition is to reconstruct “the emergence and the internal history of those modern complexes of knowledge that have been differentiated out, each under a single aspect of validity – truth, normative rightness or authenticity” (Habermas 1987:398, Baynes 1989:138).

Thus, Habermas distinguishes between synchronical and diachronical reconstructions where the former deal with individual competencies, and the latter with the collective knowledge of traditions.³⁶ When it comes to the latter, Habermas is concerned with learning processes, and with a reconstruction of the pattern such learning processes might take. Habermas first recognizes that in a strict sense, it is only individuals that can learn. But he subsequently demonstrates that social systems or intersubjective structures can develop by drawing on the learning capacities of individuals. And individuals can attain their competencies, not in complete isolation, but by growing into the established intersubjective structures (Habermas 1979:154). In this sense, it becomes possible to comprehend the dialectical interplay between the individual and the collective domain. Thus, we are dealing with different objects of reconstruction, but these different objects cannot be understood independently. This dialectic thus makes the diachronical reconstruction necessary because it demonstrates how individual competencies discovered through synchronical reconstruction

³⁵ For the detailed argument see article 4.

³⁶ There are two versions of diachrone reconstruction: Ontogenesis and phylogenesis. But Habermas’ diachrone reconstruction is focused on phylogenesis.

can be allowed to develop according to the existing level of development in the collective domain.³⁷

Thus, the implicit or pre-theoretical knowledge possessed by competent subjects as well as the collective knowledge of traditions, must be brought out by the researcher to become available for the subjects themselves. This must be done using a number of different procedures. One example is what Habermas refers to as the maeutic method of interrogation:

the implicit knowledge has to be brought to consciousness through the choice of suitable examples and counterexamples through contrast and similarity relations, through translation, paraphrase and so on – that is through a well sought out maeutic method of interrogation. (Habermas 1979:19)

With a maeutic method of interrogation, Habermas is referring to a Socratic way of conducting conversation. The point is to try to become aware of what has until now only been implicitly presupposed. By asking questions from carefully chosen examples it becomes possible for the subject to realize their implicit knowledge or competence. Habermas' favourite example is, of course, to use questions to force subjects to realize that they are committing performative self-contradictions, thus realizing what they must always already presuppose.³⁸

The results of the reconstructive endeavour are general theories regarding human competencies (Habermas 1983:260). But the strong claims the reconstruction raises are not apriori claims such as given by traditional transcendental analysis in the tradition from Kant, but instead fallible hypotheses which are open to confirmation and falsification. Thus, philosophy must renounce the claim of any special access to reality, and instead take on board the self-understanding of the fallibilistic sciences (Habermas 1992:38). Therefore, rational reconstruction is not a distinct *philosophical* method which claims to have its own access to truth or a distinct object domain. This deflated understanding of philosophy is modest compared to Kant and the German idealists, but ambitious compared to Rorty and the postmodernists:

³⁷ Admittedly, the relationship between the synchronical and diachronical reconstructions undertaken by Habermas was unclear to me in article 1. It is a complex and difficult topic that I hope the reflections here have clarified, at least to some extent.

³⁸ The maeutic method of interrogation is *one* example of a reconstructive enterprise, and should not be understood as reconstruction as such.

Once it has renounced its claim to be a first science or an encyclopedia, philosophy can maintain its status within the scientific system neither by assimilating itself to particular exemplary sciences nor by exclusively distancing itself from science in general. Philosophy has to implicate itself in the fallibilistic self-understanding and procedural rationality of the empirical sciences; it may not lay claim to a privileged access to truth, or to a method, an object realm, or even just a style of intuition that is specifically its own. Only thus can philosophy contribute its best to a nonexclusive division of labour, namely its persistence tenacity in posing questions universalistically, and its procedure of rationally reconstructing the intuitive pretheoretical knowledge of competently speaking, acting and judging subjects – yet in such a way that platonic anamnesis sheds its nondiscursive character. This dowry recommends philosophy as an indispensable partner in the collaboration of those who are concerned with a theory of rationality. (Habermas 1992:38)

Furthermore, Habermas regards the rules and structures uncovered through rational reconstruction as invariant or universal presuppositions for the practice analysed. It “advances universalistic and thus very strong theses, but the status it claims for those theses are relatively weak” (Habermas 1990 c:116). Thus, it is not a matter of reconstructing competencies carried by a particular group, but instead, rational reconstruction aims to uncover necessary competencies for the species. According to Habermas, the claims arrived at through rational reconstruction describe a normative content embedded in given practices which overshoots the boundary of the particular practice analysed, enabling a context-transcending normativity. (Olson 2003:276). Thus one can appreciate Habermas’ claim that rational reconstructions are not designed to produce a foundation for a normative theory in traditional sense:

In contrast to my famous colleagues – like Rawls or Nozick – I have never had the ambition to come up with a normative political theory. Even though that makes good sense, I do not construct basic norms for a well ordered society on the drawing board. I am much more concerned with the reconstruction of the factual based on the premise that socialized individuals involved in the everyday practice of communication cannot avoid *also* to orient their

interaction in a consensual way. (Habermas quoted in Gaus 2009:14, my translation)³⁹

Thus, instead of accepting that a social theory should be either normative *or* descriptive, Habermas' rational reconstructions aim to be both, *at the same time*. It is describing rules and structures operative in a social practice thus making possible a critique of deviant cases not following the standard of the rules and practices reconstructed.⁴⁰ However, this enterprise is not directly prescriptive, as Habermas points out in *Between Facts and Norms*: practical reason "does not give a direct blueprint for a normative theory of law and morality" (Habermas 1996:5). It does not offer a concrete vision of the good life, and it does not prescribe directly any guidance for action.

Instead rational reconstruction focuses on the formal and procedural aspects of the practices analysed. Thus, in formal pragmatics, Habermas is focusing on formal, as opposed to substantial conditions for reaching understanding. And in the theory of deliberative democracy, Habermas maintains that the theorist can specify the formal conditions required for undistorted communication between equals, but leaves it to the participants to decide what substantive norms should be drawn upon and how to act. Rational reconstruction could thus be made to fit with one of Habermas' main ambitions; to present a less concrete alternative to the reigning paradigms within ethics and law. In these cases, Habermas distances himself from all concrete attempts to present a theory of the good life, focusing instead on the procedural aspects of undistorted intersubjectivity.⁴¹ Importantly, as Specter has recently demonstrated, "Habermas' goal was to preserve the spirit of the utopia of a workers society, but to transpose its core values – freedom, equality, and solidarity – into a new, less concretely pictured framework" (Specter 2010:180). To this end, the method of rational reconstruction was ideally suited with its focus on the formal rationality operating within different practices.

Thus, the normative content which is to be reconstructed is formal in kind, and not directly prescriptive. Still, as I shall argue in section D, this does not mean that the

³⁹ This quote is both a good illustration of the intentions behind Habermas' rational reconstruction, and, at the same time an illustration of how Habermas misunderstands Rawls. As I demonstrate in the fourth paper, Rawls is also concerned to explicate latent ideals in modern constitutional democracies. The description of Rawls as a traditional normative theorist who constructs his theory of a well-ordered society without regard to reality is therefore misleading.

⁴⁰ In section D, I shall elaborate on this point by arguing against Daniel Gaus' reading which suggests that Habermas' theory *is not* a critical theory.

⁴¹ I cannot discuss here whether undistorted intersubjectivity represents a theory of the good life. Habermas takes up this objection towards the end of *Between Facts and Norms*, p 445-446.

reconstruction should be considered strictly explanatory, as it provides a critical standard against which actual practices can be evaluated.

By now we should have an idea of the characteristic features of Habermas' method. Still, some pressing issues need to be addressed regarding the status of the method as it is situated between transcendental analysis and empirical research. In short, the question is this: if reconstructive sciences are empirical sciences, we need an answer to how the hypotheses put forward by rational reconstruction can be subjected to tests. Habermas' answer has two steps. First, he claims that because rational reconstruction constitutes an alternative paradigm to the scientific understanding of science, the testing of the theory cannot be modelled on the testing procedures used in these sciences. Second, Habermas claims that the hypotheses put forward by rational reconstruction should instead be "tested indirectly by employing them as input in empirical theories" (Habermas 1983:261).

As argued above, I think Habermas could have been clearer in his own discussions on this particularly important topic. But I also think that an answer or a suggestion to this difficulty can be found in Habermas' writings. What Habermas has in mind is probably that if the reconstructed concepts, such as the concepts of communicative action, can be taken up and used as a point of departure for empirical research, and yield fruitful results, that in itself is a corroboration of the reconstructed hypothesis. This would, in my opinion, amount to an indirect testing of the results of rational reconstruction.⁴²

There is at least some support for this interpretation in Habermas' texts. In discussing the delicate relationship between rational reconstruction and empirical analysis, Habermas discusses the work of Kohlberg. Here, Habermas claims that:

the validity of the normative theory is cast into doubt if the philosophical reconstructions prove to be unusable in the context of application within the empirical theory... If it cannot be done without violence and distortion, this very failure of hermeneutic application is an indication that the dimensions

⁴² The detailed argument is spelled out in article 3. In that article I argue that a number of empirical research projects have been established to assess the quality of deliberation, taking the theory of communicative action as its point of departure. In particular, I refer to a double number of *Acta Politica* with the title *Empirical Approaches to Deliberative Democracy*. However, there are also a number of different approaches which suggests that we are dealing with a distinct, but immature research program within political science. As one researcher noted, "empirical research is booming at present". The Discourse Quality Index (DQI) developed at the *Bern Interdisciplinary Center for Deliberative Studies* is perhaps the most well-known instrument to measure the quality of deliberation (Steenbergen et al 2003). Another important contribution within this field of research is the deliberative polls developed by James Fishkin at the *Center for Deliberative Democracy* at Stanford (See Fishkin 2009). The best comprehensive account of the development within empirical approaches to deliberative democracy is given by Bächtiger et al. (2010).

postulated are being externally imposed and are not the result of a reconstruction from within. (Habermas 1990 b:39-40)

In my opinion these passages support the interpretation I have given above, and presented in detail in article 3. However, the passages are extremely dense and difficult to interpret, something which underpins my conclusion that these themes are not fully explicated in Habermas' own texts.⁴³ For example, Habermas is not giving a detailed answer when it comes to when the indirect testing can be considered successful. Now, there are two questions here which must be considered. The first is how it is possible to assess the success of an indirect test, and the second is how an indirect test differs from a direct test. Allow me to start with the first question by using an example of what I regard as an indirect testing procedure.

I have argued that an indirect testing might be carried through when the reconstructed concept has been taken as point of departure for empirical research. One of the most sophisticated attempts to operationalise the concept of communicative action is the discourse quality index (DQI). It is an attempt to capture all the elements of Habermas' discourse ethics in a quantitative analysis of speech. If successful, this kind of analysis might be seen as a corroboration of the theory. But what is the measure for success here? The DQI is operationalising Habermas using 6 indicators: participation, justification, common good orientation, respect, constructive politics and authenticity (Steenbergen et al. 2003:25-26). Summing up their approach they state the following: "While we acknowledge the importance of authenticity for deliberative theory, it causes the greatest difficulty from a measurement perspective". However they think that apart from authenticity, "all other elements of Habermas' discourse ethics ... find a place within our DQI" (Steenbergen et al. 2003:26).⁴⁴ Thus their initial solution has been to leave authenticity out of the attempt to operationalise Habermas.

This is an interesting example. On the one hand, dropping authenticity might be taken as an example of an unsuccessful application of a theory, which means that we should not see the reconstructed hypothesis as corroborated. On the other hand, the DQI has been used in many interesting studies of deliberation, despite its obvious blind spots. Thus, deciding what a successful indirect testing requires is a difficult question. Furthermore, in a recent article the group behind the DQI has recognized the problem of dropping authenticity turning to how

⁴³ I appreciate clarifying conversations with Kjartan Koch Mikalsen on this issue.

⁴⁴ Note that by Habermas' discourse ethics the authors seem to be referring to his general theory, and not his moral philosophy.

that problem might be solved (Bächtiger et al. 2010). We don't need to go into the detailed argument here. It is sufficient to say that if this problem at least in principle can be solved, and a comprehensive operationalisation of reconstructed concepts can be established, that would serve as a satisfying corroboration.

Thus, in order for an indirect test to corroborate reconstructed concepts such as communicative action, empirical research must be established utilizing the reconstructed conceptual apparatus and the soundness of the operationalisations must be evaluated. It is beyond the scope of this dissertation to carry out such an evaluation. However, much of the research carried out has been sound enough to suggest that Habermas' concept of communicative action to a certain extent must be considered indirectly tested and partially corroborated. In section D below I shall use this conclusion to argue against Mattias Iser who claims that the empirical testing of Habermas' research has not been carried out.

Based on this we can return to the second question. The examples above constitute what must be considered indirect testing. It is indirect because it is not testing whether the assumptions built into the theory of communicative action are correct, but are instead testing whether empirical analysis based on the concept of communicative action can be carried out without "violence and distortions".

By contrast, a direct testing would look for hypotheses within Habermas' theories and subject them directly to tests using standard social scientific tools such as interviews and surveys. One example of such a direct test would be to focus on Habermas' claim that, in modern constitutional democracies, the normative self-understanding revolves around the idea of citizens governed by laws given by themselves. This hypothesis could be tested directly, for example, through some kind of in-depth interviews which were designed to capture the citizen's normative self-understanding. If these interviews were to give a picture of the citizens normative self-understanding which contradicted the reconstructed normative self-understanding as reconstructed by Habermas, that would weaken the reconstructed hypotheses through a direct test procedure.⁴⁵

But even though my analyses have tried to show how one might see Habermas' research program as corroborated, by being used as input in empirical theories, there are still

⁴⁵ Note that Habermas claims that it is not possible to falsify the reconstructed hypotheses directly because they describe constitutive conditions for a certain practice (article 2 p 402-403). Yet Habermas also claims that research in constitutive presuppositions is "assuming more and more features of empirical research the more we depart from the level of generalized cognitive and linguistic practices and approach presuppositions of institutionalized and more or less conventional practices" (Habermas 2005:385). This means the hypotheses regarding the generalized cognitive and linguistic practices (for example the theory of communicative action) cannot be falsified, whereas the hypothesis which aims to make explicit the citizens normative self-understanding can be falsified through a direct test procedure as the one described above.

many questions to be answered. What kind of corroboration is this? Which research program is corroborated? I have argued that it is the theory of communicative action which is being corroborated, but that research program includes formal pragmatics as well as the theory of social evolution. And after all, the research is carried out within one of the other fields which Habermas has contributed substantially: the theory of deliberative democracy. That means that in a certain sense three of Habermas' research programs are being corroborated through empirical research carried out in the field of empirical approaches to deliberative democracy. I can not discuss these questions here, but simply note that much remains to be done within this area.

Based on this outline of the reconstructive sciences and the method of rational reconstruction, which taken together are introduced to detranscendentalize reason, I would like to discuss what I have referred to as the philosophy/science interplay. We have seen that according to Habermas, there is no philosophical method, no particular object domain left for philosophy. Instead, the philosopher takes on the role as a stand in (Platzhalter) for empirical theories which make strong (universalistic) empirical claims. If I understand Habermas correctly here, the philosopher's job is to transform and synthesise the different claims put forward by the reconstructive sciences, in the way we have seen Habermas do with Chomsky, Piaget and Kohlberg. They are all involved with understanding universal competencies in interrelated areas such as cognition, language and interaction. For instance, Chomsky is read as a figure who has introduced a "genuinely philosophical idea" into his field of research, allowing Habermas, as philosopher, to pick it up, transform and synthesise it with other genuinely philosophical ideas, like the ones found in Piaget and Kohlberg.

But the complex interplay between philosopher and scientific research also includes another dimension. The social scientist shall be able to employ the rationally reconstructed concept as a point of departure for empirical research. Here, the best example is, as I have argued above, probably the empirical research that has been carried out by various political scientists who attempt to operationalize the concept of communicative action. The indirect testing of rationally reconstructed hypotheses can, according to my interpretation of Habermas, be achieved when this is done.

Thus the "delicate relationship" between philosophy and empirical science is twofold. First, the philosopher enters into cooperation with the reconstructive sciences making it possible to establish a general theory, like the theory of communicative action. Second, when these theories, which have hypothetical status, shall be tested, it involves a somewhat different relationship with the empirical sciences. In that case, the scientist uses the

reconstructed concept as starting point for his own empirical research, searching for possibilities for operationalisation, for example, of the theory of communicative action. If such a study reveals interesting results from an empirical point of view, this is taken as an indirect test of the validity of the reconstructed concept (communicative action).

This conception of the philosophy/science interplay does not lead to dissolution of philosophy, but on the contrary involves a “philosophization of the science of man” (Philosophischwerden der Humanwissenschaften) (Habermas 1990 a:15).⁴⁶ According to the interpretation I am giving here, this philosophization of the science of man can perhaps best be grasped if it is presented as a two step process: First, with Habermas’ encouragement and particular reading of what he refers to as reconstructive sciences, who defends strong universalistic claims thus introducing a genuine philosophical idea. These research programs, which include not only Chomsky, and Piaget, but also the work of Freud, Durkheim, Mead and Weber are genuinely philosophical ideas inserted “like a detonator into a particular context of research”. These programs bridge the gap between philosophy and empirical research because “a philosophical idea is present in embryo while at the same time empirical, yet universal questions are being posed” (Habermas 1990 a:15). Thus, this interpretation of the classics in social science focuses particularly on the philosophical aspect already operating within a specific scientific paradigm.

And second, in my interpretation, Habermas considers his own theory of communicative action along the lines of the above mentioned research programs. The philosopher reconstructs key concepts for the social scientist (in close cooperation with the reconstructive sciences), but the validity of these concepts must be confirmed through their success in social science. This second step comes closer to standard empirical research in which the scientist tries to operationalise philosophical concepts (such as communicative action), and search for the right methods available for the given case. For example, as argued in article 2, a combination of document analysis, participant observation and interviews might interestingly illuminate the degree of which communicative action is involved in decision making procedures.⁴⁷ Or, as argued above, a quantitative study of speech rooted in the theory of communicative action might give valuable information about the quality of deliberation.

⁴⁶ As Brunkhorst has noted, this is one of the motives in Habermas thinking which goes back to Marx who ones famously wrote about the realization of philosophy through the philosophization of reality (Brunkhorst: 2009:218)

⁴⁷ Again, this kind of procedure would amount to an indirect testing because it is not testing whether communicative action is operative, but merely using it as a point of departure for empirical research.

Thus, on the bases of both of these steps, the dialectic relationship between philosophy and social science once envisioned by Horkheimer can be achieved.

The above argument focuses on the role of philosophy as *stand-in* for empirical sciences that makes strong empirical claims. Philosophy can no longer sustain its position as *judge*, that is, as equipped to have the conclusive word when it comes to knowledge claims put forward by the different sciences. And neither can it function as an *usher* (Platzanweiser) that is, as an instance telling the sciences what they should focus on. Instead, philosophy must find its position as stand in *and* as interpreter.

To emphasise the dual function of philosophy is important because Habermas does not equate philosophy with rational reconstruction, even though he sometimes writes as if that is the case. Instead he regards the hermeneutic, interpretative function as equally important (cf. Hedrick 2010:101). As an interpreter the philosopher can function as mediator on behalf of the lifeworld, holding on to a totalizing perspective against the compartmentalization of knowledge into different value spheres as described by Weber. As interpreter operating from a participant's perspective, the philosopher can mediate and help balance the separated moments of reason characteristic of modernity.

(C) THE FOUR ARTICLES

In the first article, *Habermas' method: Rational reconstruction*, the ambition was primarily threefold: to point out why Habermas has found it necessary to introduce what he refers to as an alternative paradigm based on the method of rational reconstruction; to clarify what the main characteristics of the method are; and to point out how the method is employed in two of Habermas' research programs, formal pragmatics as well as the theory of social evolution. In addition to this, I pointed out a tension in Habermas' project, a tension between his reconstructive and transcendental approach.

The method of rational reconstruction is, according to my analysis in this article, chosen due to the ambitions Habermas had. The ambition was to establish a paradigm which should be capable of describing normative resources inherent in different social practices, thus establishing a critical theory. It was therefore necessary to come up with a theoretical alternative which was capable of this, and Habermas thinks that neither the scientific nor the hermeneutical approach to social phenomena have the resources available for such a task.

Somewhat simplified, we may say that the empiricists are committed to the descriptive and as a result do not aim at a critical function, whereas traditional hermeneutics lack fundamental criteria to serve as a basis for critique.

Thus a rational reconstruction was necessary. The method has the following characteristics: Under investigation is reality as symbolically structured. The objective is to reconstruct the deep structures which are considered as preconditions for different social practices. This reconstruction aims at uncovering universal competences in competent language users, as well as the collective knowledge of traditions. What is to be uncovered is a pre-theoretical competence, a competence of which the actor is not reflexively conscious. Since these kinds of investigations are dependent on a posteriori knowledge, rational reconstruction must be described as an empirical science: a science which is critical, constructive and theoretical all at once. Rational reconstruction as methodical attitude aims at a theoretical and methodical pluralism. The hypotheses which are produced are tested by using them as input in empirical theories.

Based on this method, Habermas first reconstructs how there are principles of action coordination written into language itself. There are, according to Habermas, some presuppositions in language which we cannot deny without committing a performative self-contradiction. Leaving the technicalities aside, this means that when interlocutors enter into a discourse, there is a normative pull operating in language, a pull which instructs the parties to let themselves be bound by the force of the better argument. Communicative action is action where the parties are prepared to be persuaded by the force of the better argument. Habermas is of course aware of the fact that most discourses never realize this, but he nevertheless claims that we must presuppose such an ideal if discourse shall make sense at all.⁴⁸

The investigations carried out in formal pragmatics constitute what I have referred to as a synchronical reconstruction. According to Habermas, there is an element of communicative action in every context. But the degree of this kind of action coordination will differ in different contexts. Therefore a diachronic reconstruction is necessary demonstrating how the intersubjective structures localized in common lifeworlds both make possible and limit communication. This is because the lifeworld constitutes a reservoir of common

⁴⁸ I believe there is a fundamental flaw in the way I introduced Habermas' transcendental-pragmatical argument in this article. I argued, on page 471, that Habermas claims that it is beyond doubt that there is communication oriented towards agreement, and that it follows that the ideal speech situation *exists*. I did not make a distinction between the existence of something and the fact that we have to presuppose something. The transcendental-pragmatic argument Habermas develops does not argue that the ideal speech situation exists, but that we cannot deny certain presuppositions without committing a performative self-contradiction. I appreciate clarifying discussions with Anders Molander on this topic.

meaning upon which we draw in everyday communication. This diachronic reconstruction involves learning processes in two different, but related domains: the cognitive technological domain and the moral-practical domain. In the latter, the possibility for communicative action is decisive. This is where social integration can be secured, and Habermas reconstructs the logic learning processes in this domain might follow.

The status of rational reconstruction is discussed with reference to how the hypotheses produced by rational reconstruction can be tested. In this article the criticism I presented can be summed up as Habermas' *empty fallibilism*. The argument was that there is a tension in Habermas' work between the method of rational reconstruction, which claims to be an empirical science, and the particular kind of transcendental argument employed by Habermas. The problem I was pointing at was that it is not sufficiently clear what it means to say that the hypotheses derived through rational reconstruction can be tested "by using them as input in empirical theories". Based on this, I concluded saying that "Habermas' fallibilism remains unspecified and without clear content", and that it is "difficult not to see the argument as a form of transcendental argument in disguise" (Article 1:480).

In the second article, *Habermas and the political sciences: on the relationship between theory and practice*, I demonstrated how the ambitions Habermas has for his method can be traced back to some of his earlier writings on classical political philosophy. With rational reconstruction Habermas hopes to be able to unite theory and practice through a mode of analysis which is descriptive and normative at the same time. I then proceed to sketch what rational reconstruction is⁴⁹ and subsequently show how the method is employed in Habermas' theory of deliberative democracy. In the last sections of the paper I present a critique of the "stiff dichotomies" prominent in Habermas' work, and discuss whether empirical design can reduce some of the problems that follow from this. Finally, on the basis of these reflections from an empirical point of view I discuss the tension between Habermas' rational reconstruction and traditional empirical approaches.

In Habermas' opinion, theories of the political have taken a problematic turn since Hobbes. The focus on practical questions able to give an orientation to what is right and just, which was so prominent in the times of the writings of Aristotle and other classical thinkers, has, since Hobbes, given way to a scientification of the political. With this move, the practical orientation of classical politics is lost. Habermas wants to address this by providing an account of politics which is capable of delivering insight with regard to what is right and just,

⁴⁹ This section is only slightly different from the characteristic features of rational reconstruction outlined in article 1.

while at the same time upholding the rigorous standards of modern scientific knowledge. A decade later, he finds the solution to this challenge: rational reconstruction, the method he also uses in his most systematic contribution to political theory *Between Facts and Norms*.

Habermas' "two track model" of legitimate politics draws a crucial distinction between strong and weak public spheres, claiming that according to the implicit normative self-understanding of democratic constitutional states, legitimate lawmaking is dependent on a well-functioning flow of arguments from the latter to the former. A system of rights which guarantees both private and public autonomy is a necessary precondition for this kind of action coordination.

The rigid dichotomies in Habermas' work are the point of departure for a gradualist critique claiming that empirical approaches which operationalize Habermas' concepts can overcome some of the problematic aspects such dichotomization entails. The concept of communicative action is taken as a point of departure. It is a critical normative concept, but it is not clear how it can be utilized in empirical research, and it is not clear how communicative a process needs to be in order to be considered legitimate. Thus I argue that for empirical purposes, it is necessary to establish an operational threshold, and to operationalize the concept of rational consensus, which is the outcome of a genuine communicative process. Based on this, I suggest that textual analysis, participatory observation and interviews can make it possible to evaluate actual political processes, and at the same time open up for a more gradualist understanding.

In the final section, I return to the status of rational reconstruction in a discussion on the testability of the fallible theory. I first show how empirical research can never falsify the constitutive presuppositions discovered through rational reconstruction. In Habermas' opinion, the point of empirical approaches such as the one described above is rather to find out *to what degree* an actual deliberative process can live up to the presuppositions inherent in a given practice. I conclude by stating the importance of Habermas' approach as it leads our attention to the necessity of idealizations for social practices. I nevertheless repeat some of the criticism discussed in the previous paper claiming that it is not clear how to test reconstructive hypotheses.

In the third article, *Social philosophy: a reconstructive or deconstructive discipline*, I wanted to present the method of rational reconstruction as a transformation of the original program Horkheimer established for critical theory in the early 1930'ies. The article is at the same time a discussion of social philosophy as a discipline focusing on the social philosophy

of Horkheimer, Habermas, Foucault and Honneth.⁵⁰ Thus this article differs structurally from the two first articles, which are throughout related to the method of rational reconstruction. Still, the method is central in this article, and I also think it holds important comparative insights in discussing Horkheimer, Honneth and Foucault against Habermas.

Max Horkheimer's inaugural lecture at the Institute of Social Research has continued to influence critical theorists of the Frankfurt School. Horkheimer claimed that social philosophy – the term initially used to describe the activity at the institute – should be normative and descriptive, and at the same time establish a dialectical relationship between philosophy and the empirically oriented sciences. According to Horkheimer, philosophy should distinguish itself from the specialized sciences through a focus on society as a whole. Totality was conceived of as a regulative idea, and focus on totality should be realized through interdisciplinary research. Importantly, Horkheimer, who at this point was more concerned to learn from the natural sciences than to criticise them, thought that philosophical questions had to be testable through empirical means.

My argument in this article is that rational reconstruction represents a fruitful transformation of this program. It enables the critical theorist to work both normatively and descriptively at the same time while the reconstructed core concepts also make possible a dialectical relationship between philosophy and the social sciences. The concept of communicative action is a critical normative concept *describing* constitutive ideals which at the same time can be used to *normatively* assess the quality of discourse. Furthermore, the concept is increasingly being employed by empirically oriented political scientists thus establishing a dialectical relationship between philosopher and social scientist. The analysis also points out how Habermas' conception differs from Horkheimer's because Horkheimer claims that philosophical problems must be testable through empirical means, whereas Habermas' claim is that philosophical reconstructions can be indirectly tested when they are employed as input in empirical theories.

This interpretation suggests that the very fact that the reconstructed concept are being taken up and used as starting points in empirical theories is the confirmation of the theory. "Indirect" could then be taken to mean that the theory is corroborated, not in traditional empirical fashion, but instead through its successful employment as a fundamental concept for

⁵⁰ The article was written at a time when I was focusing on social philosophy as a discipline. Here in this introduction I will not focus on that topic but instead present what I regard as important in the context of my PhD project focusing on rational reconstruction as a method.

empirical research. Thus, in this article I defend Habermas against some of the criticism I directed against him in the previous articles.

The comparative analysis in this article might also contribute to some insight into the method of rational reconstruction. If we adopt a distinction introduced by Aakvaag (2009:36-38), it becomes possible to distinguish between two different kinds of insights which result from such comparisons. First, comparisons might yield *negative* insights because we are made aware of crucial shortcomings to a theoretical perspective when it is compared with another perspective. Second, we might also obtain *positive* insights if we can combine the strengths of two different theoretical perspectives, thus enabling the development of a better theory. The comparison between Foucault and Habermas yields negative insights because it demonstrates Foucault's "normative confusions", to borrow a term from Nancy Fraser. However, it also yields positive insights because it argues that a reconstructive theory can employ deconstructive tools as they have been developed by Foucault and his followers. The comparison with Honneth primarily yields negative insights because it demonstrates that Habermas should have been less dismissive of the empirical insights of Foucault.

And finally, in the forth article, *Justification and application: the revival of the Rawls-Habermas debate*, the challenge from Rawls, the most important political philosopher of the twentieth century, is discussed. This article does not discuss rational reconstruction explicitly. Its contribution to the overall discussion in this dissertation is twofold. First, it continues the comparative approach, assessing the strength of Habermas' project against other social theorists in the same fashion as the Foucault/Honneth comparison. And second, it elaborates further on crucial aspects of Habermas' political philosophy. In particular, it takes up the question of the system of rights discussed in the second article, and elaborates on this theme which was not satisfactorily treated in that paper.

Both Rawls and Habermas start out by working up or reconstructing immanent normativity within given practices. Rawls does so by using the idea of society as a fair system of cooperation and the idea of the person as free and equal as provisional fixed points which can be taken as a point of departure for a construction of a politically freestanding conception of legitimacy. And Habermas does so through his reconstruction of pragmatological presuppositions immanent in discourse which subsequently can be applied to the legal form. The difference between these two strategies is not primarily to be found in the difference in terminology between reconstruction and construction, because both share the ambition of explicating inherent normativity. Instead, the difference consists in Habermas' insistence of

this inherent normativity as necessary presuppositions which can serve as grounds for further reflections, against Rawls' strategy which is not to ground, but to find a place to start.

The comparison with Rawls is primarily interesting due to the radical challenge Rawls introduces to political philosophy in his second major work *Political Liberalism*. According to this challenge, a conception of political legitimacy must be freestanding due to the fact of reasonable pluralism in modern societies. Rawls claims that such a freestanding conception can not give an account of meaning, validity and truth without becoming a comprehensive metaphysical doctrine incapable of coping with the reasonable pluralism characterizing modern constitutional democracies. I argue that Habermas' approach has the resources necessary to face up to this challenge because his approach can also be described as freestanding, although in a different way than Rawls. Thus, this article yields positive insights because it demonstrates that Habermas' conception of political legitimacy is able to meet the challenge constituted by reasonable pluralism. At the same time it yields negative insights because it makes it possible to pinpoint several weaknesses in both Rawls and Habermas' approaches.

In the second section of the article I demonstrate how Habermas' discourse principle (D), which represents a condensed formulation of the pragmatic presuppositions outlined in formal pragmatics, is applied to the legal form. Habermas regards the law as necessary in modern societies, and gives it a functional justification. Thus the system of rights is the result of the interpenetration of law and the requirement for justification of norms. The system of rights list a set of necessary presuppositions for subjects who wants to coordinate their lives through positive law. It constitutes a formal framework which must be filled in by the different legislatures in different constitutional democracies.

D. OTHER APPROACHES TO RATIONAL RECONSTRUCTION

As hinted at in the opening section, it is possible to distinguish between two different generations of writers discussing the method of rational reconstruction. In the first generation, prominent philosophers like McCarthy, Baynes, Peters and Alford presented and discussed the method's characteristic features primarily from a sympathetic point of view, perhaps with the exception of Alford's rather harsh criticism. In the second generation, younger, less prominent, but probably more interesting work has been produced by Gaus, Iser, Celikates, and Hedrick.

In this section I shall discuss two of these approaches, those of Iser and Gaus. Iser's book *Empörung und Fortschritt. Grundlagen einer kritischen Theorie der Gesellschaft*, focuses on reconstructive social criticism, thus discussing the method of rational reconstruction in an interesting way.⁵¹ Gaus' book, *Der Sinn von Demokratie* raises the bold claim that Habermas' project in *Between Facts and Norms* is not at all about social criticism, but should instead be understood as part of a descriptive enterprise.

Overall, Iser's book has two main motivations. First, he compares reconstructive criticism, developed by Habermas, Honneth and himself to be superior to competing paradigms such as constructivist critique (Rawls), interpretive critique (Walzer), world-disclosing critique (Rorty), critique of ideology (Marx, Bourdieu) and genealogical critique (Foucault).⁵² And second, Iser claims to be the first to systematically compare the critical theory of Habermas and Honneth, and subsequently claims to develop a position which mediates between the two. Thus, the position Iser defends is called a theory of communicative recognition. I shall not focus on these motivations here, but instead discuss how Iser describes the reconstructive critique.

Iser starts out by drawing a familiar distinction between immanent or internal, and transcendent or external criticism. Immanent criticism is critical based on standards drawn from the very practice it criticises. It is critical in demonstrating how these standards are not fulfilled. Transcendent criticism, on the other hand, is critical based on norms which deviate from standard values operating in a given practice (Iser 2008:9). On Iser's account, one of the strengths of Habermas' position is that it effectively unites the strength of both types of criticism.

According to Iser, the approach shared by Habermas and Honneth is the left-Hegelian focus on ideals inherent in social practices. Both focus on constitutive ideals which can be reconstructed and used as starting point for critique. In the case of Habermas, this ideal is communication oriented towards understanding (*Verständigung*) whereas in the case of Honneth it involves a reconstruction of conditions of recognition (*Anerkennung*). Furthermore, both Habermas and Honneth incorporate the idea of transcendence from within. Communication oriented at understanding and recognition are ideals which are operative in a

⁵¹ This section draws on my essay written on Iser's book (Pedersen 2009). In addition to the book by Iser, I shall also be referring to two other texts by Iser on rational reconstruction (Iser 2004 and 2009).

⁵² Reconstructive criticism is considered superior for two reasons: First, it incorporates a criticism which is both immanent and transcendent at the same time. This is the moment of innerworldly transcendence considered above. And second, it is the best form of criticism because it allows the theoretician to incorporate the other five types of criticism in a fruitful way. I consider Iser's argument on these two points as very convincing.

given practice, but at the same time points beyond this practice to have universal validity (Iser 2008:13).

The diachronic aspect of reconstruction is also important for Iser. Both Habermas and Honneth demonstrate how the reconstructed ideals (Verständigung, Anerkennung) can be realized to different degrees depending on the development a given society takes.

Reconstructive social criticism can criticise processes of development which do not fully realize the possibilities available for communicative action and recognition (Iser 2008:294).

But in order to provide a sufficient framework for a critical theory of society, the theory must also be able to account for the indignation (empörung) subjects feel when they are systematically denied access to communicate, or misrecognized.

According to Iser, the method of rational reconstruction shall fulfil three tasks:

1. It shall justify the normative standards of a critical theory of society
2. It shall demonstrate the development from pre-modern to modern society as a process of progress
3. And third it must diagnose the potential for resistance (Widerstandspotensiale). (Iser 2009:364, my translation)

In my opinion, Iser has produced an illuminating analysis of reconstructive critique. In particular I believe his project reveals interesting features about how a reconstructive approach can function as a foundation for a critical theory. But Iser's analysis primarily focuses on the relationship between communication oriented at understanding and recognition, not on a discussion of how these ideals are established methodically. Thus, there is no discussion in Iser's book of the particular problems involved in making the implicit explicit, or how to put reconstructed ideals to test. I shall argue that this has serious consequences as he abstains from discussing Habermas' reliance on the reconstructive sciences as well as the dialectical relationship between the philosopher and the social scientist.

In particular, Iser does not seem to be aware of the many empirical approaches which start out from Habermas' concepts. He writes: "Habermas has for sure only sketched this ambitious research program. The necessary empirical testing and concretization has not been carried through" (Iser 2009:366, my translation). In my opinion, this is, as we have seen above, not correct. The extensive use of Habermas' key concepts in political science is the

best example in this respect. Thus, my claim is that Iser fails to grasp the complex philosophy/science interplay, and draws the wrong conclusions from his analysis.⁵³

At the same time however, there is also something correct about Iser's diagnosis of Habermas' research program. In my argument I have focused on the way the theory of communicative action has been employed increasingly within deliberative approaches to democracy. Thus, if my analysis is correct, this is the indirect corroboration of the theory of communicative action. But Habermas' ambitious research programs include a set of other theories and a range of other hypotheses which are also in need of further corroboration. And it is not always easy to see how that can be achieved with the other research programs Habermas has developed.

Gaus' reading of Habermas focuses particularly on the sociological-explanatory approach in Habermas' writings. Both Iser and Gaus argue that Habermas' theory contains a claim to explain how social order is possible in modern societies (Iser 2008:93, Gaus 2009:9, 33).⁵⁴ The difference between the two approaches is, however substantial. Where Iser claims that the explanatory approach exists parallel to the reconstructive approach thus allowing Habermas to develop a critical theory (Iser 2008:93), Gaus claims that the reconstructive approach is in fact an explanatory project which should not be understood as a critical theory at all. Thus, where Iser's project is from the very start designed to demonstrate how Habermas, through rational reconstruction, can establish a critical theory, Gaus' project is to show that that is not the case. In my opinion, Gaus has developed an interesting and radical contribution to the literature of reconstruction. It is to this alternative we now turn.

Somewhat simplified, Gaus has two ambitions with his book. First, he develops an alternative reading of Habermas, and second, he utilizes this perspective to argue against the opinion that the EU cannot be legitimated on the ideal of the constitutional state. I will only discuss Gaus' reading of Habermas here.⁵⁵ This reading is radical because Gaus tries to demonstrate that Habermas' theory is not to be understood as a normative or critical theory. He explicitly distinguishes his own approach from those standard interpretations which read Habermas' theory as trying to construct an ideal standard which can be used to criticise the existing institutionalized reality, counting Iser among those who give standard accounts (Gaus

⁵³ One reason why Iser has reached this negative conclusion when it comes to the philosopher/science interplay is perhaps – and here I am probably too speculative – that the empirical approaches to deliberative democracy have mainly been carried through outside Germany as well as outside philosophy, primarily from the perspective of political scientists.

⁵⁴ A somewhat similar approach focusing on the explanatory aspects of Habermas can be found in Aakvaag 2009 and 2010.

⁵⁵ I shall be discussing Gaus' reading of Habermas based on the book already mentioned, as well as on Gaus 2009 b.

2009 a:10). He also claims that this standard reading is problematic from the point of view of political science which can not fulfil its potential if this reading is not challenged. His proposal is to read much of Habermas' political writings as reconstructive hypotheses which are in need of empirical testing (Gaus 2009 b:110).

The importance of Gaus' interpretation is that he clearly demonstrates that Habermas' work is not a normative theory in the traditional sense. Through a rational reconstruction of the normative self-understanding of modern constitutional states, Habermas explicates the meaning of the modern constitutional state operating in collective consciousness. According to this explication, the modern constitutional state represents the ideal of legitimate political power (*Herrschaft*) enabling the state to obtain both material reproduction and normative integration (Gaus 2009 b:125). However, there exists at the same time a continuous tension between this normative self-understanding and the functional imperatives operating in the economy and the administration. If I understand Gaus correctly, his point is that what I have said here remains on the descriptive level. Habermas empirically reconstructs the normative self-understanding operating in modern constitutional states, and demonstrates how this self-understanding is in conflict with economic and bureaucratic imperatives.

Thus, according to this reading, the modern constitutional state constitutes an institutional order which is capable of handling the need for social integration in modern societies. Habermas' theory of the constitutional state must, in other words, be understood as an important part of Habermas' general sociology where the ambition is to present empirical, as opposed to normative claims (Gaus 2009 b:110). Interestingly, Gaus points out that such a theory can still be normatively relevant because it provides the participants in practical politics with a "pool of reasons" without arguing in a practical or normative modus (Gaus 2009 b:124, footnote 44). For example, one might suppose that participants in practical politics might use the reconstructed normative self-understanding as a point of departure for a critique of the factual circulation of power in a given society.

The controversial aspect of Gaus' reading is whether this entails that Habermas should no longer be understood as a critical theorist. It is one thing to say that Habermas is not following "a normative-practical type of justification", and another thing to claim that his theory is not a critical theory, but rather a set of "reconstructive hypotheses used to explain the social reality" (Gaus 2009 b:124). Gaus forcefully manages to show that Habermas' theory cannot be reduced to a mere *ought*. And he admits that it is difficult to distinguish clearly between the two types of justifications involved, one being normative and the other descriptive. Still, he claims that the crucial point is that the critical effect of a theory depends

on the confirmation of the reconstructed hypothesis.⁵⁶ From this he concludes that the explanatory, empirical approach is the approach followed by Habermas.

In my opinion, there are some problematic aspects with Gaus' reading. In particular he claims that, according to Habermas:

from communicative reason it is not possible to draw any normative conclusions. Instead, the term communicative reason reflect the fact that speaking and acting subjects unavoidably orient themselves according to certain ideal norms, even though these norms in concrete contexts can not be fulfilled. (Gaus 2009 b:114, my translation)

This interpretation runs counter to my own interpretation which has focused on the normative pull operating in language. I have argued that Habermas *explicates* ideals operating in a given practice, and that he also wants to use these ideals as standards to *evaluate* how these standards are met in reality. According to Gaus, that is not the case.

If I understand Gaus correctly, he maintains that the hypotheses produced by Habermas' reconstructions shall be put to the test by empirical social science. He suggests the following two hypotheses as of particular importance for political science:

- the discourse-theoretical conception of the democratic constitutional state represents a part of the collective consciousness, that is, the normative self-understanding common for all collective organizations coordinated through law.
 - The concept of the constitutional democratic state as the answer to the demand for political legitimacy is not randomly chosen, but is instead a result of a social-evolutionary learning process. It offers an answer to the question of social integration in modern complex societies and must be understood as complementary to other parts of the normative self-understanding such as the concept of justice and authenticity.
- (Gaus 2009 b:110, my translation)

These are very interesting suggestions regarding which hypotheses can be derived from *Between Facts and Norms*. It would probably be possible to test such hypotheses through

⁵⁶ "Entscheiden scheint mir jedoch das Argument zu sein, dass der praktisch-politische "kritische Sinn" einer Theorie über das normative Selbstverständnis von Gesellschaften erst unter der Voraussetzung zur Entfaltung kommen kann, dass die theoretische Rekonstruktion ihren Anspruch der Repräsentation sozialer Sachverhalte zu bekräftigen vermag".

standard empirical social science. As I see it one could, for example, assume that the core of the discourse theoretical conception of the democratic constitutional state is that it is constituted by citizens who are governed by laws given by themselves. Through interviewing and questionnaires for example it should be possible to find out to what extent people would refer to the constitutive ideals made explicit by rational reconstruction.

As I see it, Gaus' perspective can be utilized to clarify how the reconstructive approach can best be interpreted. It is possible to distinguish between three different suggestions:

- First, we have what Gaus refers to as the standard reading of Habermas: according to this position, Habermas develops a standard version of normative theory which constructs ideals which can be read as prescriptions or guidelines for our actions.
- Second, we have the position which claims that Habermas reconstructs a normative content implicit in a set of social practices. This normative content provides a standard against which actual practices can be evaluated. But it is not directly prescriptive in the sense of the first position.
- Third, we have the interpretation of Gaus, emphasising the sociological-explanatory approach, claiming that Habermas is involved in a descriptive enterprise and not in the establishment of a critical theory.

As argued above, the strength of Gaus' argument is in demonstrating that the first alternative is a misunderstanding of Habermas' central claims. However, this is not sufficient to establish that the second reading should be dropped and replaced by the third explanatory-sociological reading.

The research program suggested by Gaus would provide important insights for political science as well as for other disciplines. However, I do not understand how such an approach could be in line with Habermas' claim that the reconstructed hypotheses shall be tested indirectly by being used as inputs in empirical theories. To me this seems more like a direct testing of hypothesis found in the discourse theoretical conception of the legitimacy of the state. And the problem with such a direct testing would be that one could not falsify the reconstructed hypotheses directly because they describe constitutive conditions for a certain practice.⁵⁷ Instead the indirect testing I propose focuses on how the reconstructed concepts can be taken as point of departure for empirical research, where the success of such empirical programs indirectly confirms the result of the reconstruction.

⁵⁷ See article 2, p 402-403.

However, this objection does not necessarily constitute a problem for Gaus' reading. In order to demonstrate this, it can be useful again to draw attention towards some of Habermas' later writings on this topic. As we saw above, Habermas pointed out that

Research in constitutive presuppositions is part of conceptual analysis, a proper job for philosophers. However, such a philosophical analysis assumes more and more features of empirical research, the more we depart from the level of generalized cognitive and linguistic practices and approach presuppositions of institutionalized and more or less conventional practices (Habermas 2005: 385).

This could be interpreted as if it were the hypothesis resulting from conceptual analysis which should be tested indirectly by being used as input in empirical theory, whereas the more direct testing that Gaus suggests is a result of the presuppositions of more institutionalized practices. If this interpretation makes sense, it would thus be possible to develop empirical research along both of the lines suggested here, not having to choose the one instead of the other.

But even if this argument is correct, I find it difficult to follow Gaus' argument concerning the status of reconstruction as a kind of descriptive enterprise. After all, the testing that I propose is a kind of test which allows social scientists to distinguish between legitimate and illegitimate decision making procedures using the concept of communicative action. Such a procedure would obviously be regarded as normative in the sense that it yields a standard, and aims to criticise deviations from this standard. Therefore, it does not make sense to claim that the theory is either descriptive or normative; it is both, at the same time. Thus, the second position suggested above is the one I defend.⁵⁸

(E) MAIN CONCLUSION

My argument in this introduction suggests that Habermas theory constitutes a successful transformation of Horkheimer's initial program for a critical theory. It is descriptive and normative at the same time, and establishes a dialectical relationship between philosophy and social science. This argument runs counter to Mattias Iser who claims that Habermas' project

⁵⁸ I have to admit, though, that some formulations in article 2 document that the distinction between the first and the second alternative was not sufficiently clear to me at the time of writing that paper.

has not been realised, and it runs counter to Daniel Gaus' suggestion that we should read Habermas' theory as explanatory, and not as a critical theory.

Given this general conclusion, the criticism brought forward in article 1 and 2 must be modified. There, I argued that it was unclear how to test the hypotheses put forward by rational reconstruction, thus labelling Habermas fallibilism an empty fallibilism. I still think that Habermas is somewhat unclear on this point, but as suggested above, I now think that it is possible to save Habermas from that kind of criticism. This can be done by focusing on the success of the different research programs initiated by Habermas. In particular, I have argued that the extensive research within the field of empirical approaches to deliberative democracy can be taken as a corroboration of some of Habermas' reconstructive hypotheses. And as argued above, I also find some support for this interpretation in Habermas' writings. However, I have also argued that more work is required both when it comes to discussing this understanding of the status of reconstruction, but also regarding the question of what hypotheses it is possible to test from the other research programs Habermas develops. In addition, the quality of research within empirical approaches to deliberative democracy must be evaluated.

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